

## **1910.03 Solid Waste**

Issued January 1, 1994

SUBJECT: Solid Waste.

APPLICATION: Executive Branch Departments and Sub-units.

PURPOSE: To prevent improper disposal of State generated or collected solid waste.

CONTACT AGENCY: Department of Natural Resources (DNR) - Waste Management, Resource Recovery Section.

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SUMMARY: Solid waste that is collected for disposal must be sent to a DNR licensed solid waste facility that is consistent with the local host county's solid waste management plan. In addition, contracts for disposal of wastes must be reviewed to ensure that waste is not taken to Superfund or Act 307 sites.

APPLICABLE FORMS: None.

### **PROCEDURES:**

#### **Agency:**

- Contacts the Resource Recovery Section for information about the county solid waste management plan for the county where the waste is to go.
- Reviews all existing contracts dealing with storage, treatment, and/or disposal of State generated waste, to determine whether the treatment, storage, and/or disposal facility receiving the waste is designated in the contract.
  - If the facility is not designated the contract, determines which facility (by name and address) is being used for the State waste.
- Determines whether the facility is a listed Superfund or Act 307 site by consulting with the DNR, Environmental Response Division staff in the district where the facility is located.
- If the facility is not a listed Superfund site or 307 site, the contract should:
  - Include the name and address of the facility at which the State generated waste is being stored, treated, or disposed of, if that information is not already contained in the contract; and
  - Provide that the contract may be amended or canceled if the contractor is determined to be in non-compliance with applicable State and federal laws, rules and/or regulations; and
  - Provide that the contract may be amended, re-negotiated to require use of another facility or canceled should the facility be determined to be in non-compliance with applicable State and federal laws, rules and/or regulations after the date the contract is signed.
- If the facility is a listed Superfund site or 307 site, determine whether:
  - The State generated waste is being stored, treated and/or disposed of in portions of the facility which currently are in compliance with applicable statutes, rules and regulations; and
  - Whether the facility currently is engaged in appropriate remedial response activity regarding those portions of the facility which are not in compliance.
- If the response to each of the above questions is affirmative, the contract should:
  - Include the name and address of the facility to which the State generated waste is being taken, if that information is not already contained in the contract; and

- Provide that the contract may be amended or canceled if the contractor is determined to be in non-compliance with applicable State and federal laws, rules and/or regulations; and
- Provide that the contract may be re-negotiated to require use of another facility if the named facility (i) violates the terms of its legally enforceable agreement or court order; or (ii) fails to complete appropriate response activities voluntarily undertaken; and
- Provide that the contract may be re-negotiated to require use of another facility should the listed facility be determined to be in non-compliance with applicable State and federal laws, rules and/or regulations after the date the contract is signed.
- If the response to any of the above questions is negative, and
  - The facility is a listed site, and;
  - Is not engaged in appropriate response activities; or
  - The facility contains no portions which are in compliance with applicable statutes, rules and regulations; then:
    - State generated waste must be treated, stored and/or disposed of at another appropriate facility that is in compliance with this procedure and applicable requirements.
- All new contracts shall contain provisions consistent with the above provisions.

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